

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

ONO'S TRADING COMPANY, LLC, et al.,))	
Plaintiffs,))	
vs.))	CIVIL ACTION NO. 04-0706-CG-C
STUART A. PARNELL, et al.))	
Defendants.))	

ORDER

This matter is before the court on the motion of defendants, Stuart A. Parnell, Patti M. Parnell, The Nautical Group, LLC, and PMP, LLC, to sever (Doc. 193), plaintiff's opposition thereto (Doc. 195), the motion of defendants to withdraw jury demand (Docs. 196, 197), and plaintiff's responses thereto (Docs. 202, 203).

Defendants request that the court sever the Tran defendants' cross-claim because it asserts only state claims that do not arise out of the remaining federal claims pending in this action. However, as plaintiffs point out, it is clear that the court has supplemental jurisdiction over the cross-claim. Additionally, although the cross-claim does not arise directly from the claims asserted in the complaint, the cross-claim involves the same background of facts and circumstances and would require many of the same witnesses and evidence. The court does not find it appropriate to sever the cross-claim at this point in the litigation.

As to defendants' motion to withdraw jury demand, plaintiff's consent to the motion and request that it be granted. Accordingly, the court will grant defendants' motion to withdraw jury demand.

For the reasons stated above, defendants' motion to sever (Doc. 193) is DENIED and defendants' motion to withdraw jury demand (Docs. 196, 197) is GRANTED.

DONE and ORDERED this 21st day of August, 2006.

/s/ Callie V. S. Granade
CHIEF UNITED STATES DISTRICT JUDGE